

MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1 The Permittee is allowed to store hazardous waste in containers and waste piles, at Deseret Chemical Depot in accordance with the conditions of this Permit and in accordance with this Permit and R315-8-9 and R315-8-12.
- I.A.2 Any treatment, storage, or disposal of hazardous waste not authorized in this Permit or any other Hazardous Waste Permit is prohibited. The Permittee shall comply with the conditions of other Permits issued by the Utah Department of Environmental Quality or elements thereof and by the USEPA, so long as those conditions are not inconsistent with this Permit. When conditions of any Permit are inconsistent, the Permittee shall either comply with the more stringent conditions or request and obtain a modification of appropriate Permits to avoid non-compliance.
- I.A.3 Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

I.B. ENFORCEABILITY

- I.B.1 Violations duly documented through the enforcement process pursuant to Utah Code Annotated 19-6-113 may result in penalties of up to \$10,000 per day for each day of violation.

I.C. OTHER AUTHORITY

- I.C.1 The Executive Secretary expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1 This Permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3- 4.
- I.D.2 The filing of a request for a Permit modification, revocation and reissuance, or termination, or the notification of planned changes, requiring prior agency approval, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Permit Condition.
- I.D.3 The Executive Secretary may modify this Permit when the standards or regulations on which the Permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the effective date of this Permit.in accordance with R315-3-4.2.
- I.D.4 Except as provided by specific language in this Permit, the Permittee shall not modify or change the design or operation of any hazardous waste management unit or any hazardous waste management practice referenced in this Permit until the Permit is modified in accordance with R315-3-4 and R315-4-1.5.

I.E. SEVERABILITY

- I.E.1 The provisions of the this Permit are severable and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision, which forms the basis for any condition of this Permit, does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit issued in accordance with R315-3- 6.2 or a temporary authorization issued in accordance with R315-3-4.3. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit or temporary authorization, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application.
- I.F.2. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a) commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of human health or the environment from any imminent and substantial endangerment.

I.G. DUTY TO REAPPLY

- I.G.1 If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall apply for a new Permit a minimum of 180 calendar days prior to the expiration date of this Permit, in accordance with R315-3-3 .1(b) and R315-3-2.1(g).

I.H. PERMIT EXPIRATION

- I.H.1 This Permit shall be effective for ten (10) years from the effective date of this Permit.

I.I. CONTINUATION OF EXPIRING PERMIT

- I.I.1 This Permit and all conditions herein shall continue in force until the effective date of a new Permit, if the Permittee has submitted a timely application (in accordance with R315-3), and through no fault of the Permittee, the Executive Secretary has neither issued nor denied a new Permit under R315-3- 5 on or before the expiration date of this Permit.

I.J. REVIEW OF PERMIT

- I.J.1 In accordance with the Utah Solid and Hazardous Waste Act, UAC 19-6-108(13), this Permit

shall be reviewed five years after the effective date and modified as necessary.

I.K. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

- L.K.1 It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

I.L. DUTY TO MITIGATE

- I.L.1 In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.M. PROPER OPERATION AND MAINTENANCE

- I.M.1 The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes following parts of Permittee-approved Standard Operating Procedures (SOPs) that affect the management of hazardous waste, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this Permit.
- I.M.2 The Permittee shall follow the procedures for SOP revisions whenever it is necessary to change an SOP.

I.N. DUTY TO PROVIDE INFORMATION

- I.N.1 The Permittee shall furnish to the Executive Secretary, within the identified time frame any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this Permit.

I.O. INSPECTION AND ENTRY

- I.O.1 Pursuant to the Utah Solid and Hazardous Waste Act, UAC 19-6-109, the Permittee shall allow the Board, the Executive Secretary, or their authorized officer, employee, or representative, upon the presentation of credentials and other documents, as may be required by law, to:
- I.O.1.a Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept as required by the conditions of this Permit;
- I.O.1.b Have access to and copy, at reasonable times, any records that are kept as required by

the conditions of this Permit;

- I.O.1.c. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- I.O.1.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act or RCRA, any substances or parameters at any location
- I.O.2. The Executive Secretary, or an appointed representative, shall be allowed to make record of inspections by photographic, electronic, videotape, or any other reasonable medium.

I.P. MONITORING AND RECORDS

- I.P.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by R315-8-5.3. (40 CFR § 264.73) incorporated by reference), and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this Permit. The Permittee shall retain, at the facility, all monitoring records from all surface water sampling, seep sampling, soil sampling, sediment sampling, groundwater monitoring wells, and associated groundwater surface elevations until three years past the end of the corrective action instituted to address releases of hazardous waste or hazardous waste constituents from any solid waste management unit created as a result of operations at Deseret Chemical Depot. These periods may be extended by request of the Executive Secretary at any time by written notification to the Permittee and the retention times are automatically extended during the course of any unresolved enforcement action regarding the Facility to three (3) years beyond the conclusion of the enforcement action.
- I.P.2. Pursuant to R315-3- 3.1(j), records of monitoring information shall specify at a minimum:
 - I.P.2.a. The date(s), exact place(s), and time(s) of sampling or measurements;
 - I.P.2.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.P.2.c. The date(s) analyses were performed;
 - I.P.2.d. The individual(s) who performed the analyses;
 - I.P.2.e. The analytical techniques or methods used; and
 - I.P.2.f. The results of such analyses.
- I.P.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-50-6 or Table 1-1-4 (Sampling

Methods) of the Waste Analysis Plan (Attachment 1), or an equivalent method approved by the Executive Secretary. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (Third Edition, November 1986**; or prevailing edition) (hereafter, referred to as SW-846)*, *Standard Methods of Examination of Water and Wastewater (17th Edition, 1989**; or prevailing edition)*. Other alternate methods approved in this Permit, or an equivalent method in accordance with Permit Condition I.P.4. of this Permit, will be allowed if approved by the Executive Secretary

- I.P.4. The Permittee may substitute analytical methods that are equivalent or superior to those specifically approved for use in this Permit by modifying the Permit in accordance with R315-3-4.3. The modification request shall provide information demonstrating that the proposed method(s) requested to be substituted is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e., reproducibility).

I.Q. REPORTING PLANNED CHANGES

- I.Q.1 The Permittee shall give written notice to the Executive Secretary of any planned physical alterations or additions to any hazardous waste management unit or system within 60 calendar days prior to the planned alterations or additions.

I.R. REPORTING ANTICIPATED NONCOMPLIANCE

- I.R.1 The Permittee shall give advance notice to the Executive Secretary of any planned changes in the Permitted Facility or activity, which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.

I.S. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- I.S.1 The Permittee shall not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit or in a modified portion of an existing Permitted hazardous waste management unit until:
- I.S.1.a The Permittee has submitted to the Executive Secretary by certified mail, express mail, or hand delivery, a letter signed by the Permittee and a registered professional engineer certifying that the unit(s) has been constructed or modified in compliance with this Permit; and I.S.1.ba
 - I.S.1.b. As-built engineering drawings and specifications as appropriate; and
 - I.S.1.c. The Executive Secretary has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) was found to be in compliance with the conditions of this Permit; or
 - I.S.1.d If within fifteen (15) calendar days of the date of receipt of the letter in Permit Condition I.S.1.a.. the Permittee has not received notice from the Executive Secretary, of the intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with Permit Condition I.S.1.a.

I.T. TRANSEER OF PERMIT

I.T.1 This Permit shall be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to R315-3-4. Prior to transferring ownership or operation of the Facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of R315-3, R315-8, and this Permit.

I.U. TWENTY-FOUR HOUR REPORTING

I.U.1. In accordance with R315-3- 3.1(l)(6), the Permittee shall orally report to the Executive Secretary any noncompliance with this Permit, which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance. Potential endangerment to human health and the environment shall include, but not be limited to:

I.U.1.a Noncompliance with Condition II.A.1.

I.U.1.b. Any release to the environment of a P999 hazardous waste listed in R315-2-11(e)(1) or an F999 hazardous waste as listed in R315-2-10(e)(1) resulting in the following:

I.U.1.b.i Confirmed agent concentrations at the DCD Facility boundary exceeding the General Population Limits (GPL) specified below; or

I.U.1.b.ii Any confirmed agent concentrations outside Engineering Controls at any agent monitor as specified in Attachment 4 (Contingency Plan).

| Agent | GB/GA | VX | H/HD/HT | Lewisite |
|-----------|--------------------|--------------------|--------------------|--------------------|
| GPL Limit | 6×10^{-7} | 6×10^{-7} | 2×10^{-5} | 2×10^{-5} |

I.U.2. In accordance with R315-9, the Permittee shall orally report to the Executive Secretary any Facility spill of any hazardous waste or material which, when spilled becomes a hazardous waste, other than a hazardous waste listed in R315-2-11(e), if the spilled quantity exceeds one hundred (100) kilograms or a lesser quantity if there is a potential for endangerment to human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the spill occurrence. The Permittee shall orally report to the Executive Secretary any spill of P999. The oral report shall include, but not be limited to, the following:

I.U.2.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and

I.U.2.b. Any information of a release or discharge of hazardous waste, or of a fire, or explosion at the Facility, which could threaten human health or the environment.

I.U.2.c. The description of the occurrence and its cause shall include:

I.U.2.c.i Name, title, and telephone number of individual reporting;

- I.U.2.c.ii Name, address, and telephone number of the owner or operator;
- I.U.2.c.iii Name, address, and telephone number of the Facility;
- I.U.2.c.iv Date, time, and type of incident;
- I.U.2.c.v Location and cause of incident;
- I.U.2.c.vi Name and quantity of materials involved;
- I.U.2.c.vii The extent of injuries, if any;
- I.U.2.c.viii An assessment of actual or potential hazard to the environment and human health, where this is applicable;
- I.U.2.c.ix Description of any emergency action taken to minimize threat to human health and the environment;
- I.U.2.c.x Estimated quantity and disposition of recovered material that resulted from the incident; and
- I.U.2.c.xi Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.

I.U.3. Within fifteen (15) days of the time the Permittee is required to provide the oral report, as specified in Permit Conditions I.U.1. through I.U.2. of this Permit, the Permittee shall provide to the Executive Secretary a written submission. In accordance with R315-9-4, the written submission shall include, but not be limited to the following:

- I.U.3.a. Name, address, and telephone number of the individual reporting;
- I.U.3.b. A description (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health inside and outside the Facility) of the reported incident;
- I.U.3.c. The period(s) in which the incident occurred (including exact dates and times);
- I.U.3.d. Name and quantity of material(s) involved;
- I.U.3.e. Estimated quantity of recovered material that resulted from the incident;
- I.U.3.f. Whether the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and
- I.U.3.g. If the release or other noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or clean up is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; or the steps taken or planned to adequately clean up the release.

I.V. MONITORING REPORTS

I.V.1 Monitoring reports shall be submitted at the intervals specified elsewhere in this Permit.

I.W COMPLIANCE SCHEDULES

I.W.1 Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than fourteen (14) days following each scheduled date.

I.W.2 Within 90 days of successful completion of demilitarization activities, the Permittee shall submit to the Executive Secretary a permit modification in accordance with R315-3-4 for treatment of hazardous waste by open burn / open detonation (OB/OD) or a closure plan for the existing OB/OD units in accordance with R315-7-23.5 and R315-101.

I.X. MANIFEST DISCREPANCY REPORT

I.X.1 Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste the Permittee actually receives. Significant discrepancies in quantity are: (1) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper. If a significant discrepancy is discovered in a manifest, the Permittee shall attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the Permittee shall submit a written report, including a copy of the manifest, and efforts to reconcile the discrepancy, to the Executive Secretary. (see R315-8-5.4)

I.Y. UNMANIFESTED WASTE REPORT

I.Y.1 This report shall be submitted to the Executive Secretary within fifteen (15) days of receipt of unmanifested waste.

I.Z. BIENNIAL REPORT

I.Z.1 A biennial report shall be submitted covering facility activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year.

I.AA. OTHER NONCOMPLIANCE

I.AA.1 The Permittee shall report in writing all other instances of noncompliance with this Permit not otherwise required to be reported in accordance with Permit Condition I.U. of this Permit, within seven days of discovering the noncompliance. The reports shall contain the information listed in Permit Condition I.U. of this Permit. Reporting shall not constitute a defense for any noncompliance.

I.BB. OTHER INFORMATION

I.BB.1 Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit Application or in any report submitted to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven (7) days of discovery.

I.CC. SIGNATORY REQUIREMENT

I.CC.1 All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3- 2.2. and R315-3- 3.1(k).

I.DD. CONFIDENTIAL INFORMATION

I.DD.1 The Permittee may claim confidential any information required to be submitted by this Permit in accordance with Utah Code Annotated 63-3-308 et seq, and Utah Code Annotated 19-1-306 and implementing regulations.

I.EE. CONFLICTS

I.EE.1. All conditions within the modules of this Permit supersede conflicting statements, requirements, or procedures found within the attachments to this Permit.

I.EE.2. If a conflict exists between conditions within the modules of this Permit, the most appropriate condition, as determined by the Executive Secretary, shall be met.

I.EE.3. Upon discovery of a conflict, a modification to the Permit shall be initiated by the Permittee to meet the Executive Secretary's determination.

I.FF. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.FF.1 All reports, notifications, or other submissions, which are required by this Permit to be transmitted to the Executive Secretary, shall be sent by mail or other means of proof of delivery to:

State of Utah
Department of Environmental Quality
Division of Solid and Hazardous Waste
Post Office Box 144880
Salt Lake City, Utah 84114-4880

Phone: (801) 538-6170

During normal business hours (8 am to 5 pm, Monday through Friday, except Utah State holidays) required oral notifications shall be given only to the Executive Secretary or an Environmental Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if the Permittee can contact such person at the Facility or at the office of the Division of Solid and Hazardous Waste. Otherwise, notification shall be made to the twenty-four (24) hour answering service at (801)

536-4123. Notifications made to the twenty-four (24) hour answering service shall include all applicable information required by this Permit. The Permittee shall give oral notification to the Executive Secretary or an Environmental Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program on the first business day following notification to the twenty-four (24) hour answering service.

I.GG. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE

- I.GG.1. The Permittee shall maintain at the Facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and amendments, revisions and modifications to these documents:
- I.GG.1.a Waste Analysis Plan (Attachment 1 of this Permit), as required by R315-8-2.4. and this Permit.
 - I.GG.1.b Inspection schedules and logs (Attachment 2 of this Permit), as required by R315-8-2.6(b) and this Permit.
 - I.GG.1.c Personnel training documents (Attachment 3 of this Permit), and records, as required by R315-8-2.7(d) and this Permit .
 - I.GG.1.d Contingency Plan (Attachment 4 of this Permit), as required by R315-8-4.2(a) and this Permit.
 - I.GG.1.e Operating record, as required by R315-8-5.3. and this Permit.
 - I.GG.1.f Closure Plan (Attachment 5 of this Permit), as required by R315-8-7 and this Permit.
 - I.GG.1.g Manifest copies, as required by R315-5-4(a)(5) and R315-5-4(b)(5) and this Permit.
 - I.GG.1.h A copy of the Permittee's waste minimization statement.
 - I.GG.1.i Plans and Operating Records as required by R315-8-18 (40 CFR subpart BB, sections 264.1050 through 264.1065) and R315-8-22 (40 CFR subpart CC, sections 264.1080 through 264.1091) and this Permit.